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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 SECURITIES AND EXCHANGE
18 COMMISSION,

19 Plaintiff,

20 v.

21 MARK LESLIE, et al,

22 Defendants.

Case No. C 07-3444 JF

**[PROPOSED] ORDER GRANTING
MOTION OF DEFENDANT
KENNETH E. LONCHAR TO
DISMISS PLAINTIFF'S COMPLAINT**

Date: January 18, 2008
Time: 9:00 a.m.
Judge: Hon. Jeremy Fogel
Courtroom No. 3

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28 [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION OF DEFENDANT KENNETH E. LONCHAR
TO DISMISS PLAINTIFF'S COMPLAINT
Master File No. C 07 3444 JF

1 Defendant Kenneth E. Lonchar brought a Motion to Dismiss Plaintiff's Complaint on
2 October 5, 2007. After considering the pleadings, the papers submitted by the parties, and the
3 oral argument of counsel, and good cause appearing therefore, the Court hereby orders that
4 Defendant Lonchar's Motion to Dismiss is granted. Specifically, the Court grants Defendant's
5 Motion to Dismiss in its entirety for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6)
6 and 9(b).

7 Accordingly, it is hereby ordered that Defendant's Motion to Dismiss is GRANTED, and
8 Plaintiff's Complaint is dismissed in its entirety WITH PREJUDICE.

9 **IT IS SO ORDERED.**

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11 Dated: _____

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14 HONORABLE JEREMY FOGEL
15 UNITED STATES DISTRICT COURT JUDGE
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28 [PROPOSED] ORDER GRANTING DEFENDANTS' MOTION OF DEFENDANT KENNETH E. LONCHAR
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